

Amendment

Appellant: Jennifer Farrell et al.

Serial No.: 10/721,703

Filed: November 25, 2003

Docket No.: 200209668-1

Title: IMAGE FORMING DEVICE WITH PRINT MODE ACTUATOR AND METHOD

REMARKS

With this Amendment, claims 1-4, 9-12, 16-20, and 24-29 have been cancelled without prejudice, and allowable claims 5, 8, 13, and 21 have been rewritten in independent form.

Claims 5-8, 13-15, and 21-23, therefore, remain pending in the application, and are presented for reconsideration and allowance.

This Amendment is being submitted to further prosecution and permit the issuance of a patent on the allowable subject matter, and should not be construed as acquiescence by Applicant in any outstanding objections or rejections. In addition, Applicant reserves the right to pursue the content of any cancelled claims in a continuing application.

Claim Rejections under 35 U.S.C. § 102

Claims 1-4, 9-12, 16-20, and 24-29 were rejected under 35 U.S.C. 102(e) as being anticipated by Tyson, et al.

With this Amendment, claims 1-4, 9-12, 16-20, and 24-29 have been cancelled without prejudice. The rejection of these claims under 35 U.S.C. 102(e), therefore, is rendered moot.

Allowable Subject Matter

Claims 5-8, 13-15, and 21-23 were objected to as being dependent upon a rejected base claim and indicated as being allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

Applicant agrees with the Examiner's conclusions regarding patentability without necessarily agreeing with or acquiescing in the Examiner's reasoning. In particular, Applicant submits that the above-identified claims are allowable because the prior art fails to teach, anticipate or render obvious the invention as claimed, independent of how the invention is paraphrased.

With this Amendment, Applicant has rewritten allowable claim 5 in independent form to include all of the limitations of the base claim (claim 1) and any intervening claims (none). As rewritten claim 5 is now believed to be in allowable form, Applicant respectfully submits that

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dependent claims 6 and 7 are allowable in dependent form. Applicant, therefore, respectfully requests that the objection to claims 5-7 be withdrawn and that claims 5-7 be allowed.

With this Amendment, Applicant has rewritten allowable claim 8 in independent form to include all of the limitations of the base claim (claim 1) and any intervening claims (none). Applicant, therefore, respectfully requests that the objection to claim 8 be withdrawn and that claim 8 be allowed.

With this Amendment, Applicant has rewritten allowable claim 13 in independent form to include all of the limitations of the base claim (claim 9) and any intervening claims (none). As rewritten claim 13 is now believed to be in allowable form, Applicant respectfully submits that dependent claims 14 and 15 are allowable in dependent form. Applicant, therefore, respectfully requests that the objection to claims 13-15 be withdrawn and that claims 13-15 be allowed.

With this Amendment, Applicant has rewritten allowable claim 21 in independent form to include all of the limitations of the base claim (claim 16) and any intervening claims (claim 20). As rewritten claim 21 is now believed to be in allowable form, Applicant respectfully submits that dependent claims 22 and 23 are allowable in dependent form. Applicant, therefore, respectfully requests that the objection to claims 21-23 be withdrawn and that claims 21-23 be allowed.

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CONCLUSION

In view of the above, Applicant respectfully submits that pending claims 5-8, 13-15, and 21-23 are all in a condition for allowance and requests reconsideration of the application and allowance of all pending claims.

Any inquiry regarding this Amendment should be directed to either Scott K. Gallert at Telephone No. (509) 995-1191 or Scott A. Lund at Telephone No. (612) 573-2006.

Respectfully submitted,

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